

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

PATRICIA KAMMEYER, et al.	:	Case No. C-1-01-649
Plaintiffs	:	Spiegel, J.
vs.	:	<u>NOTICE BY PLAINTIFFS' OF</u>
		<u>FILING UNDER SEAL</u>
CITY OF SHARONVILLE, et al.	:	<u>PLAINTIFFS' MEMORANDUM</u>
		<u>IN OPPOSITION TO</u>
Defendants	:	<u>DEFENDANTS' MOTION FOR</u>
		<u>SUMMARY JUDGMENT</u>
	:	
		<u>AND</u>
	:	
		<u>PLAINTIFFS' MOTION</u>
		<u>PURSUANT TO RULE 56(f) TO</u>
		<u>PERMIT DISCOVERY BEFORE</u>
		<u>A RULING ON SUMMARY</u>
		<u>JUDGMENT</u>
	:	

The parties in this matter have been directed to file under seal all pleadings which address the confidential issues subject to the Court's protective orders. Plaintiffs' Memorandum in Opposition to Defendants' Joint Motion for Summary Judgment contains such confidential information. While Plaintiffs' memorandum in prepared for filing at this time, the Court's electronic filing system does not permit for filing under seal and the clerk's office is closed at this hour. A hard copy of Plaintiffs' memorandum will therefore be submitted for filing when the clerk's office opens in the morning.

Plaintiffs respectfully request that this court either deny the motion for summary judgment based upon statute of limitations or delay ruling until such time as plaintiffs are able to complete the discovery in this case, including discovery now subject to the motion to quash filed by the Hamilton County Prosecutor.

MEMORANDUM

Plaintiff requests an opportunity pursuant to Federal Rule 56(f) to complete discovery prior to completing their response to the Motion for Summary Judgment based upon the statute of limitations defense filed by defendants in this case. Plaintiff's request to complete discovery is properly raised by this motion. *See Cacevic v. City of Hazel Park*, 226 F.3d 483, 488 (6th Cir. 2000).

Plaintiffs respectfully request that the motion for summary judgment based upon statute of limitations be denied or that this motion be granted.

Respectfully submitted,

s/ Alphonse A. Gerhardstein
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Certificate of Service

I here by certify that on November 15, 2004, a copy of the foregoing pleading was filed electronically. Notice of this filing will be sent to all parties for whom counsel has entered an appearance by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

s/ Alphonse A. Gerhardstein
Alphonse A. Gerhardstein